

Draft Resolutions for Council Action, March 28-29, 2013

1. **PEIR.** Staff is directed to continue preparation of the Final PEIR consistent with the direction given at this meeting. The Final PEIR will be made available for public review and comment at least 10 days prior to the Council's May meeting, at which the Final PEIR will be presented to the Council. The Council will be asked to certify that the PEIR, as revised, is adequate, as required by law.
2. **Regulations.** In response to public comments received regarding the proposed Delta Plan regulations, the Council directs staff to make those changes to the proposed regulations approved at this meeting. Staff is authorized to use its discretion in making additional conforming changes for purposes of clarity and harmonization consistent with Council direction. As soon as practicable thereafter, staff shall make available for public review and comment the modified text of the proposed regulations for a period of 15 calendar days, in accordance with the state Administrative Procedure Act (APA). Public comments received on the modified text will be considered by the Council prior to adoption of the regulations, and will be responded to in writing in the Final Statement of Reasons (in addition to the responses to comments received on the proposed regulations as originally noticed to the public). Consequently, staff shall post all of the comments received on the modified text on the Council's website as soon as practicable following close of the 15-day comment period, and then present to the Council at its May meeting an analysis of those comments, as appropriate. The Council will be asked to adopt the regulations included in the final Rulemaking Package.
3. **Delta Plan.** Staff is directed to make changes in the Final Draft Delta Plan consistent with Council direction at this March meeting, and that will conform the Delta Plan to any changes in the corresponding regulations as directed above. Staff is also directed to make changes listed on the "Consent Checklist" discussed at this meeting. Staff is authorized to use its discretion in making additional conforming changes for purposes of clarity and harmonization so long as they are consistent with Council direction. Staff shall prepare the revised draft Delta Plan in redline form, for the May meeting. The Council will be asked to adopt the Final Delta Plan as amended to be consistent with previous Council action.
4. **Next steps.** At its May meeting, the Council will take final public comment, and then consider certifying the Final EIR. If certified, the Board will consider the information in the Final EIR and then determine whether to adopt the Delta Plan and its associated state regulations. If and when adopted, Council staff is directed immediately thereafter to prepare and submit to the State Clearinghouse the Notice of Determination for purposes of CEQA, and to the state Office of Administrative Law for its approval, the adopted regulations and supporting rulemaking file. The Executive Officer is authorized, in this regard, to make "grammatical" or other technical, nonsubstantive changes to regulatory language necessary to satisfy APA standards.